

Assembly Bill No. 1974

Passed the Assembly August 11, 2014

Chief Clerk of the Assembly

Passed the Senate August 7, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 1252 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1974, Quirk. Health facilities: special services.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health and prohibits a health facility from providing a special service without the approval of the department. Existing law defines a “special service” to mean a functional division, department, or unit of a health facility that is organized, staffed, and equipped to provide a specific type of patient care and that has been identified by regulations of the department and for which the department has established special standards for quality of care.

The bill would specify that a “special service” does not include a functional division, department, or unit of a nursing facility, as defined, that is organized, staffed, and equipped to provide inpatient physical therapy services, occupational therapy services, or speech pathology and audiology services to residents of the facility if those services are provided solely to meet the federal Centers for Medicare and Medicaid Services certification requirements. The bill would specify that a “special service” includes physical therapy services, occupational therapy services, or speech pathology and audiology services provided by a nursing facility to outpatients and would state that these provisions do not limit the department’s ability to enforce or evaluate compliance with specified therapy requirements during investigations or inspections.

The people of the State of California do enact as follows:

SECTION 1. Section 1252 of the Health and Safety Code is amended to read:

1252. (a) “Special service” means a functional division, department, or unit of a health facility that is organized, staffed, and equipped to provide a specific type or types of patient care and that has been identified by regulations of the state department

and for which the state department has established special standards for quality of care. “Special service” does not include a functional division, department, or unit of a nursing facility, as defined in subdivision (k) of Section 1250, that is organized, staffed, and equipped to provide inpatient physical therapy services, occupational therapy services, or speech pathology and audiology services to residents of the facility if these services are provided solely to meet the federal Centers for Medicare and Medicaid Services certification requirements. “Special service” includes physical therapy services, occupational therapy services, or speech pathology and audiology services provided by a nursing facility, as defined in subdivision (k) of Section 1250, to outpatients.

(b) This section does not limit the department’s ability to evaluate compliance with the therapy requirements for nursing facilities and skilled nursing facilities established in Title 22 of the California Code of Regulations during investigations or inspections, including, but not limited to, inspections conducted pursuant to Section 1422, or to limit the department’s ability to enforce the therapy requirements.

Approved _____, 2014

Governor